



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0537

Introduced 2/17/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2a	from Ch. 38, par. 1003-7-2a
730 ILCS 5/3-7-2c new	
730 ILCS 125/16	from Ch. 75, par. 116

Amends the Unified Code of Corrections. Provides that no person shall possess or use tobacco in any of its forms in an institution and facility of the Department. Deletes a provision requiring the selling prices for all goods to be sufficient to cover the costs of the goods and an additional charge of up to 35% for tobacco products if the facility maintains a commissary or commissaries. Amends the County Jail Act. Provides that the Warden of the jail or other person shall not permit any person to possess or use tobacco in any of its forms in the jail.

LRB094 07768 RXD 37946 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-7-2a and by adding Section 3-7-2c as
6 follows:

7 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

8 Sec. 3-7-2a. If a facility maintains a commissary or
9 commissaries, the selling prices for all goods shall be
10 sufficient to cover the costs of the goods and an additional
11 charge of up to ~~35% for tobacco products and up to~~ 25% for
12 non-tobacco products. The amount of the additional charges for
13 goods sold at commissaries shall be based upon the amount
14 necessary to pay for the wages and benefits of commissary
15 employees who are employed in commissary facilities of the
16 Department. The Department shall determine the additional
17 charges upon any changes in wages and benefits of commissary
18 employees as negotiated in the collective bargaining
19 agreement. A compliance audit of all commissaries and the
20 distribution of commissary funds shall be included in the
21 regular compliance audit of the Department conducted by the
22 Auditor General in accordance with the Illinois State Auditing
23 Act.

24 Items purchased for sale at any such commissary shall be
25 purchased, wherever possible, at wholesale costs. If a facility
26 maintains a commissary or commissaries as of the effective date
27 of this amendatory Act of the 93rd General Assembly, the
28 Department may not contract with a private contractor or vendor
29 to operate, manage, or perform any portion of the commissary
30 services. The Department may not enter into any such contract
31 for commissary services at a facility that opens subsequent to
32 the effective date of this amendatory Act of the 93rd General

1 Assembly.

2 (Source: P.A. 93-607, eff. 1-1-04.)

3 (730 ILCS 5/3-7-2c new)

4 Sec. 3-7-2c. Facilities; smoking ban. No person shall
5 possess or use tobacco in any of its forms in an institution
6 and facility of the Department.

7 Section 10. The County Jail Act is amended by changing
8 Section 16 as follows:

9 (730 ILCS 125/16) (from Ch. 75, par. 116)

10 Sec. 16. Alcohol, controlled substances, and tobacco
11 prohibited.

12 (a) The Warden of the jail or other person shall not permit
13 any prisoner to send for or have any alcoholic beverages or
14 controlled substances except when prescribed by a physician as
15 medicine.

16 (b) The Warden of the jail or other person shall not permit
17 any person to possess or use tobacco in any of its forms in the
18 jail.

19 (Source: P.A. 83-1073.)